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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,596	06/09/2005	Thomas Thompson	27726-99600	5443
23644 7590 01/09/2008 BARNES & THORNBURG LLP P.O. BOX 2786 CHICAGO, IL 60690-2786			EXAMINER HUYNH, BA	
			ART UNIT 2179	PAPER NUMBER
			NOTIFICATION DATE 01/09/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent-ch@btlaw.com

Office Action Summary

Application No.

10/538,596

Applicant(s)

THOMPSON, THOMAS

Examiner

Ba Huynh

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-16,19-23,25,27 and 30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-16,19-23,25,27 and 30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 30 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 30 recites “A computer readable medium or modulated signal”. Signal is non-statutory subject matter. *Note: The computer readable medium may be statutory if clearly defined as being hardware component or capable of tangibly storing computer executable instructions.*

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 19, 20, 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 19, 20, 25 are dependents of canceled claims 18 and 24, respectively.

Claim 30 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the

invention. Claim 30, line 1: "or" is indefinite for failing to particularly point out the claim subject matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-16, 19-23, 25, 27, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent application publication 2003/0172003 (Holbrook et al).

- As for claims 1, 8: Holbrook et al teach a computer implemented method and corresponding system, program code means for planning an arrangement of furniture on a surface, comprising the steps/means for:

Providing an interface having a graphical representation of a surface (0036, 0043, fig, 8),

Providing on the interface a graphical representation of at least one piece of furniture (0039-0040),

Iteratively allowing a user to select a piece of furniture and place a graphical representation of the selected furniture onto the surface (0040, 0043). It is noted that Holbrook et al teach the arranging of furniture but not equipment or beverage equipment. However the different appears to be an obvious field of use. It would have been obvious to one of skill in the art at the time of the invention was made, to apply Holbrook teaching to the arranging of equipment or beverage equipment for the advantage of having computer simulated arrangement.

- As for claim 2: A work surface (space) can be selected and defined by the user (0040).

Calculation of open space is inherently included in Holbrook's teaching of space analysis and feedback (0025, 0036, 0043).

- As for claim 3: Calculating space area of an object by multiplication of its sides is well known in the art. The implementation would have been obvious in light of Holbrook's teaching of surface analysis and planning.

- As for claim 4: Feedbacks and tips are provided to prevent user from improperly placing furniture (0025, 0026, 0036).

- As for claims 6, 7: Selected furniture icon can be moved around in the work space (0043).

- As for claims 9, 22, 23, 30: Holbrook et al teach a computer implemented method and corresponding system, program code means for planning an arrangement of furniture on a surface, comprising the steps/means for:

Providing an interface having a graphical representation of a surface (0036, 0043, fig, 8),

Providing on the interface a graphical representation of at least one piece of furniture (0039-0040),

Iteratively allowing a user to select a piece of furniture and place a graphical representation of the selected furniture onto the surface (0040, 0043). It is noted that Holbrook et al teach the arranging of furniture but not equipment or beverage equipment. However the different appears to be an obvious field of use. It would have been obvious to one of skill in the art at the time of the invention was made, to apply Holbrook teaching to the arranging of equipment or beverage equipment for the advantage of having computer simulated arrangement. Total cost is calculated and reported to user (0025). Holbrook et al fail to teach the calculation of

projected income value. However, calculation of projected income value is well known in business application. In light of the applying Holbrook's teaching to the investment of beverage equipment set forth above, it would have been obvious and desirable to implement the calculation the projected income value for the investment.

- As for claims 10, 11, 12: Cost value is calculated automatically by the system based on parts selected by the user (0025). Holbrook et al fail to teach that the cost can be entered and edit by the user, however such implementation would have been obvious to one of skill in the art to provide user control and editing of data entry.
- As for claims 13, 14, 16: Calculating of profit based on the location of the business, sale volume and adjusted sale volume would have been obvious to one of skill in the art in business management.
- As for claim 15: Calculation of pay-off time would have been obvious to one of skill in the art in business management.
- As for claim 19: A report of equipment description and configuration can be printed out to the user (0025, 0049; see page 17-18: Print report).
- As for claims 20, 21: Adding a peak-time profit value to the report specification sheet would have been obvious for investment purpose.
- As for claim 25: The furniture (or equipment, or beverage equipment, in light of the combining set forth above) can be purchased from a Website on Internet (0031, 0044).
- As for claim 27: Status inquires by Email is well known in computer art. The implementation would have been for the obvious advantages of computer technology.

Application/Control Number:
10/538,596
Art Unit: 2179

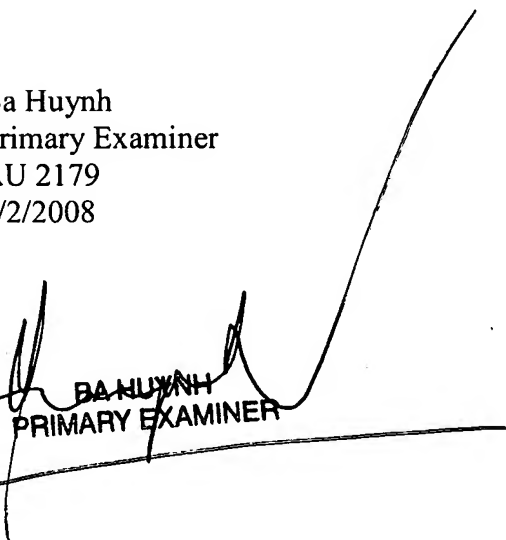
Page 6

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ba Huynh
Primary Examiner
AU 2179
1/2/2008


BA HUYNH
PRIMARY EXAMINER